

SEQUENCE LISTING

“Not Applicable”

REMARKS

The amendment filed on 25 October 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention.

Applicants have respectfully amended the disclosure to include removal of the examples of the added material, which is not supported, by the original disclosure as noted in the Office Action dated 01/17/2007. Applicants respectfully submit that no new matter is introduced via the included amendments.

Applicants have amended claims 1-3, and deleted claims 4-15. Support for the amendments may be found in the submitted specifications. Applicants respectfully submit that no new matter is introduced via the included amendments.

Claims 1-15 are rejected under 35 U.S.C 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. As above to render moot the rejection to the claims, regarding claims 1-3, applicants respectfully submit that the specifications have been amended to meet written requirements in such a way as to contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and has set forth the best mode contemplated by the inventor of carrying out the invention.

As requested in the Office Action dated 01/17/2007 the applicants respectfully amended the claims to remove the following limitations:

- “approximately three to four inches” (claims 1 and 3);
- “a liquid absorbing substance” (claims 1 and 4);
- “a non-liquid absorbing substance” (claims 1 and 5);
- “a combination of a liquid absorbing and/or non-liquid absorbing substances”
(claim 6);
- a stem comprised of wood, paper, glass, or plastic (claims 1,7, and 8);
- a stem comprised of a combination of wood, paper, glass, or plastic (claim 9);
- ...and absorption of blood (claims 1 and 10);

- “alum-based” and 900 mg of styptic product (claims 1 and 11);
- a “bud” form applicator (claims 1 and 12);
- “pouring, dipping, molding”; “for a period long enough to allow for drying and hardening of the styptic product to an applicator” (claims 1 and 13);
- a styptic product wherein the absorption of blood from a skin abrasion allows for removal and proper disposal (claims 1 and 14); and
- “blood to blood cross contamination” (claims 1 and 15).

In regards to all references of the term “porous” the applicants respectfully submit that no new matter has been entered into the application for the following reason:

- Styptic in a dry state is inherently porous and therefore unavoidable. As stated in MPEP 2163.07(a) Inherent Function, Theory, or Advantage, “By disclosing in a patent application a device that inherently performs a function or has a property, operates according to a theory or has an advantage, a patent application necessarily discloses that function, theory or advantage, even though it says nothing explicit concerning it. The application may later be amended to recite the function, theory or advantage without introducing prohibited new matter.”

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the following language is vague and does not define the metes and bounds of the claims: “or other like material,” “amount sufficient enough,” “or like contact action.”

The applicants have amended claims 1-3 and deleted claims 4-15 as stated above. Applicants have removed the following language: “or other like material,” “amount sufficient enough,” “or like contact action.” to prevent rejections. Amendments to claims made by the applicants have been prepared to more particularly pointing out and claim the subject matter the applicants regard as the invention.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Al Ani (U.S. Patent No. 3,948,265). Applicants respectfully traverse in view of the above mentioned amendments.

Applicants are claiming an applicator for the application of styptic which is intended to have a bi-functional purpose. First by applying styptic to body tissue where skin abrasions are present a person can stop active bleeding. Secondly by providing on a portion of the surface of at least one end of the stem with styptic in a thick, homogeneous, dry, layer of such a quantity as to correspond substantially to an amount greater than one precise dose a person can make use of the inherently porous qualities of styptic to absorb small amounts of blood present on the body from the result of a skin abrasion.

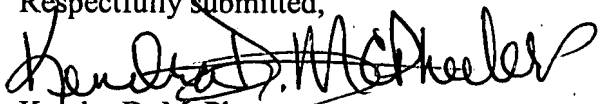
Al Ani discloses "An applicator for application of active substances which have therapeutic and diagnostic properties onto body tissues comprising an elongated carrier provided on a portion of the surface of at least one end of said carrier with said active substance in a very thin, homogeneous, dry, liquid soluble layer of such a quantity as to correspond substantially to one precise dose for one specific occasion of use, said surface of said carrier which is provided with the active substance being non-liquid-absorbing." In order for a claim to be anticipated it must have each and every element as set forth in the claim, either expressly or inherently described, in a single prior art reference. Applicants submit that there is no additional element disclosed in the applicator of Al Ani, either expressly or inherently.

Applicants submit concurrent herewith updated drawings to aid in addressing the objections raised in this Office Action.

Based on all of the foregoing, applicants respectfully submit that claims 1-3 are patentable and earnestly request a notice of allowance to that affect.

Applicants respectfully submit that this is a complete response to the Office Action and that all pending claims are patentable. Accordingly, applicants respectfully request a notice of allowance to that affect.

Respectfully Submitted,


Kendra D. McPheeters


Phillip A. Cornwell


Charles M. Cornwell